

TITLE 3

SANDY CITY ANIMAL SERVICES ORDINANCE

Approved and Adopted 10/1/2008

CHAPTER 3-1

3-1-1. Definitions.

(a) For the purpose of this title, unless it is plainly evident from the context that a different meaning is intended, certain terms used herein are defined as follows:

Abandon: To intentionally deposit, leave, or drop off any live animal:

- (1) without providing for the care of that animal, in accordance with accepted animal husbandry practices or customary farming practices; or
- (2) in a situation where conditions present an immediate, direct, and serious threat to the life, safety, or health of the animal.
- (3) "Abandon" does not include returning wildlife to its natural habitat.

Animal: Any live non-human vertebrate creature.

Animal shelter: A facility or program

- (1) Providing services for stray, lost, or unwanted animals, including holding and placing the animals for adoption, but does not include an institution conducting research on animals, as defined by 26-26-1, Utah Code Anno.; and
- (2) Operated by a first or second class county as defined in Section 17-50-501, Utah Code Ann.; a city of the first, second or third class; a first or second class county operating the shelter jointly with any municipality; or a private humane society or a tax-exempt private animal welfare organization located and holding a business license within a first or second class county or within a city of the first, second or third class.

Assistance animal: A domestic animal that is trained or is in training to lead, guide or assist a person who has a disability.

At large: An animal which is off of the custodian's real property or not under the direct physical control of the animal's custodian, including an animal which the custodian is unable to control or restrain.

Attack: Any menacing or threatening behavior to initiate or indicate aggression by an animal

which causes fear, intimidation, or apprehension to a normal person, including baring its teeth, growling, lunging, barking aggressively, and approaching in an aggressive manner.

Bite: An actual puncture, tear or abrasion of the skin inflicted by the teeth of an animal.

Cat: Any age feline of the commonly domesticated type.

Cattery: An establishment for boarding, breeding, buying, grooming or selling cats for profit.

Custodian: A person having custody of an animal but not including the Director of Animal Control or any Division employees when keeping animals in their care as their official duties as Sandy City employees.

Custody: Ownership, possession or control of an animal; any person keeping, harboring, sheltering or often feeding an animal shall be deemed to be the custodian thereof, within the meaning of this title.

Director: The director of the Division of Animal Services of Sandy City.

Direct physical control: Immediate, continuous physical control of a animal by means of a leash, cord, or chain and by a person of sufficient strength to restrain the animal and to be able to control the animal with voice commands, securely restraining the animal within a vehicle, or keeping the animal within a secure box, cage, enclosure or fence from which it cannot escape.

Division, or Division of Animal Services: The Division of Animal Services of Sandy City.

Dog: Any canis familiaris.

Domestic or domesticated animals: Animals accustomed to living in or about the habitation of man, including but not limited to cats, dogs, fowl, horses, cows, sheep, swine and goats.

Feral: An animal which is normally domesticated but which is now wild.

He, his or him or other words in the male gender herein shall apply to persons of both genders, or shall apply to a non-individual entity such as a business or agency, except where the context clearly indicates otherwise.

Impound or impoundment: The taking or picking up and confining of an animal by any sworn and certified peace officer who is an employee of a law enforcement agency that is part of or administered by the State of Utah or any of its political subdivisions, or by an Animal Services officer.

Kennel: A commercial establishment having three or more dogs for the purpose of boarding, breeding, buying, grooming, letting for hire, training for fee, or selling.

Leash: Any tether, chain, rope or similar implement used to restrain an animal.

Muzzle: A fastening or covering of the mouth of an animal which prevents it from biting another animal or person, which does not cause injury to the animal and which does not significantly interfere with the animal's vision or respiration, such as an appropriately fitted basket muzzle.

Owner: any person, partnership, corporation or other legal entity owning, harboring or keeping any animal. An animal shall be deemed to be harbored if it is fed or sheltered for three (3) or more consecutive days. This definition shall not apply to any veterinary clinic or boarding kennel.

Pet: A domesticated animal kept for pleasure rather than utility, including but not limited to birds, cats, dogs, fish, hamsters, mice, and other similar animals.

Quarantine: The isolation of an animal in an enclosure so that the animal is not subject to contact with other animals or unauthorized persons.

Service animal: An assistance animal or an animal specially trained and used by police, government or rescue organizations.

Sterilized: An animal that has been surgically altered, either by the spaying of a female animal or by the neutering of a male animal, so it is unable to reproduce.

Stray: Any animal at large as defined herein.

Tag: A license tag issued by the Division of Animal Services.

Veterinarian: A person licensed to practice veterinary medicine in Utah under Utah Code Anno. §§ 58-28-301, and following sections.

Wild animal: Any animal of a species that in their natural life are wild. Those animals, however domesticated, shall include but are not limited to:

- (1) Alligators and crocodiles.
- (2) Bears (Ursidae). All bears including grizzly bears, brown bears, black bears, etc.
- (3) Cat family (Felidae). All except the commonly accepted domesticated cats, and including cheetah, cougars, leopards, lions, bobcats, lynx, panthers, mountain lions, tigers, wildcats, ocelots, etc.
- (4) Dog family (Canidae). All except domesticated dogs, and including wolf, fox, coyote, dingo, etc., or any hybrid thereof.

- (5) Porcupine (Erethizontidae).
- (6) Primate (Hominidae). All subhuman primates.
- (7) Raccoon (Procyonidae). All raccoons including eastern raccoon, desert raccoon, ring-tailed cat, etc.
- (8) Skunks.
- (9) Venomous fish and piranha.
- (10) Venomous snakes or lizards.
- (11) Weasels, meaning all members of the mustelidae family, including but not limited to weasels, martins, wolverines, ferrets, badgers, otters, ermine, mink, and mongoose.

(b) Whenever any reference is made to any portion of this title, such reference applies to all amendments and additions thereto now or hereinafter made. Each gender includes the other gender. Except where the context clearly suggests otherwise, the singular number includes the plural and the plural, the singular.

(c) Whenever a power is granted to, or a duty is imposed upon the Animal Services Division, the power shall be exercised or the duty shall be performed by the Animal Services Director and/or the Animal Services Officer, or by any person or organization, its officers, agents, and employees, designated by contract or otherwise to enforce this title.

3-1-2. Division of Animal Services.

The Division of Animal Services, is a part of and under the supervision of the Sandy City Police Department.

3-1-3. Powers of Animal Services Officials.

(a) The Animal Services Director or any person employed by the Division as an Animal Services officer shall take the oath of office and shall be vested with the power and authority to enforce the provisions of this title.

(b) The Director, his/her deputies, assistants, and Animal Services officers are hereby authorized and empowered to apprehend and take with them and impound any animal found in violation of this ordinance and including licensable animals for which no license has been procured in accordance with this chapter, or any licensed or unlicensed animals for any other violation thereof.

(c) To the extent allowed by the Fourth Amendment of the U.S. Constitution and Art. I, Sec. 14 of the Utah Constitution, any peace officer, animal services officer, the Director and his/her

assistants are authorized to enter into the open premises of any person to secure, restrain or take possession of any animal which is reasonably deemed by such officer, to be in violation of this title and issue criminal citations and/or notice of violation and stipulations for violations of this title to the owner, custodian or handler of such animal.

3-1-4. Animal Services Officers.

(a) The Animal Services Director shall have the powers and duties contained in the Revised Ordinances of Sandy City.

(b) Each Division officer shall:

(1) Enforce the provisions of this chapter in all respects pertaining to animal services within the jurisdiction including the care and impounding of animals and prevention of cruelty to animals.

(2) Carry out all duties prescribed or delegated by the Director.

(c) The Police Department of the Sandy City may perform the duties of the Animal Services Division.

3-1-5. Interference with Officer Prohibited.

(a) It shall be unlawful for any person to knowingly and intentionally interfere with the Animal Services Director or any Division officer or by any person or organization, its officers, agents, and employees, designated by contract or otherwise to enforce this title, in the lawful discharge of his or her duties as herein prescribed.

(b) It shall be unlawful for any person to give or provide false personal identification information to any Division officer.

(c) Any violation of this section shall be deemed a class B misdemeanor.

3-1-6. Licensing.

(a) All dogs and cats must be licensed every twelve (12) months to a person of the age of 18 years or older. If a custodian licenses a dog or cat in the same calendar month in which he or she obtains a three-year rabies vaccination for the dog or cat, then the dog or cat may be licensed for thirty-six (36) months instead of twelve (12) months.

(b) Any person owning, possessing or harboring any dog or cat shall obtain a license for such animal within thirty (30) days after the dog or cat reaches the age of four (4) months; or in the case of a dog or cat over four (4) months, within ten (10) days of its acquisition.

(c) Except for those applications which the Division accepts orally based on the availability of Division staff for such work, license applications must be submitted to the Division, utilizing a standard form which requests name, address, and telephone number of the applicant; breed,

sex, color and age of the animal; and rabies information. The application shall be accompanied by the prescribed license fee and by a current rabies vaccination certificate. The custodian of a dog or cat over four months of age shall obtain a rabies vaccination for each such dog or cat by a licensed veterinarian at least every three (3) years.

(d) License fees shall be established by resolution of the Sandy City Council, which may provide for a reduction in license fees if a dog and its owner have completed obedience training classes approved by the Director, or if the owner implants an approved microchip in the animal.

(e) Any license shall be valid for 12 consecutive months from the date of issue, or 36 months from the date of issue if obtained in conjunction with a three-year rabies vaccination as described in Subsection (a) herein. A late fee shall be assessed for any license purchased after the expiration of a previously valid license.

(f) No more than two dogs may reside at any address within the jurisdiction at a time unless a hobby license is obtained, except that a person may keep the puppies born to a female dog in the person's custody until the puppies have reached the age of six months without obtaining a hobby license. A violation of this subsection (f) shall be deemed a class C misdemeanor.

(g) A free 12-month license may be issued by the Division for first-time licensees, at special Division-sponsored events where such free licenses are offered.

(h) A 12-month license may be issued at no cost or at a reduced cost by the Division where an applicant submits evidence of inability to pay and where the Division determines that the applicant lacks the means to pay for an animal license due to circumstances reasonably beyond the applicant's control.

(i) Except as otherwise provided in this section, any violation of this section shall be an infraction.

3-1-7. License Tag.

(a) Upon payment of the license fee, where such fee is required, the Division shall issue to the custodian a tag for each dog or cat licensed. The tag shall have stamped thereon the license number issued by the City. The custodian shall attach the tag to the collar or harness of the animal and see that the collar and tag are constantly worn. Failure to attach the tag as provided shall be in violation of this ordinance, except that dogs or cats which are kept for show purposes are exempt from wearing the collar and tag when competing at show competitions.

(1) Any cat that has proof of the implantation of a micro-chip may be licensed and is not required to wear a tag.

(2) A violation of this subsection (a) shall be an infraction.

(b) It shall be unlawful to transfer a license tag from one animal to another. No person shall

place or keep on an animal a license tag which was not issued for that animal. Counterfeit or imitation license tags may not be placed or kept on any animal. No refunds shall be made on any license fee for any reason except for significant errors by the Division, and then in the Director's reasonable discretion. Replacements for lost or destroyed tags shall be issued upon payment of the appropriate fee to the Division. A violation of this subsection (b) shall be a class C misdemeanor.

(c) Any person removing or causing to be removed the collar, band, harness or tag from any licensed dog or cat without the consent of the custodian thereof, except a veterinarian or Division officer who temporarily removes such for medical reasons or other good cause, shall be in violation of this ordinance. A violation of this subsection (c) shall be an infraction.

3-1-8. Licensing: Exemptions.

(a) The provisions of Sections 3-1-6 and 3-1-7 herein shall not apply to the following animals:

- (1) Individual dogs or cats within a properly licensed kennel or other such establishment when such animals are held for resale.
- (2) Dogs or cats validly licensed in another jurisdiction of the United States shall not be kept within Sandy for a continuous period of longer than 30 days, or for a total of more than 60 days in any one-year period without obtaining a Sandy City animal license.

(b) The fee provisions of Section 3-1-6 shall not apply to:

- (1) Service animals in training or currently used for that purpose.
- (2) The requirement to license dogs by persons who have a valid Sandy City hobby license. Such persons shall, however, be required to obtain a license for each cat they own, possess, or harbor.

(c) Nothing in this section shall be construed to exempt any dogs or cats from having a current rabies vaccination.

3-1-9. Unlawful to Harbor Stray or Feral Animals.

(a) It shall be unlawful for any person to keep or harbor any domestic animal which is lost or strayed. Whenever any domestic animal is found which appears to be lost or strayed, it shall be the duty of the finder to notify the Animal Services Division within 24 hours, and the Division shall impound the animal as herein provided. A violation of this subsection (a) shall be a class B misdemeanor.

(b) It shall be unlawful for any person to leave food, shelter or housing structures for animals on public property or on the property of another, except with the owner's permission, which

may serve to attract, feed, house or protect stray or feral animals.

3-1-10. Animals Running at Large.

It shall be unlawful for the custodian of any animal to allow such animal at any time to run at large. The custodian of an animal found running at large shall be strictly liable for a violation of this section regardless of the precautions taken to prevent the escape of the animal and regardless of whether or not he knows the animal is running at large. The first violation of this section shall be an infraction. A second or subsequent offense shall be a class C misdemeanor.

3-1-11. Animals on Unenclosed Premises.

It shall be unlawful for any person to chain, stake out, or tether any animal on any unenclosed premises in such a manner that the animal may go beyond the property line unless such person has permission of the owner of the property where the animal enters. It shall be unlawful to chain, stake out or tether any animal to public property or to allow an animal so staked or tethered to go upon public property.

3-1-12. Female Animals in Heat.

Any owner or person having charge, care, custody or control of any female animal in heat shall, in addition to restraining such animal from running at large, cause such animal to be constantly confined in a building or enclosure so as to prevent it from coming into contact with male animals of the same species old enough to attempt to breed with the female animal. This prohibition shall not apply to planned breeding which occurs with the permission of the custodians of the male and female animal which attempt to breed, and which occurs on the property of the custodian of either the male or female animals, or at a kennel, or on the property of a person with a Sandy City hobby license. A violation of this section shall be an infraction.

3-1-13. Places Prohibited to Animals.

(a) It shall be unlawful for any person to take or permit any animal, whether loose or on a leash or in the person's arms, in or about any establishment or place of business where food or food products are sold or displayed, including but not limited to restaurants, grocery stores, meat markets, farmers' markets, and fruit or vegetable stands or stores. This subsection shall not apply to police service animals and assistance animals.

(b) It shall be unlawful for any person having custody of any dog to allow said dog to be within any watershed area where prohibited by any statute or ordinance.

(c) It shall be unlawful for any person to allow any animal to enter or be in any place of worship during public services or in any public school building while school is in session, except when authorized by a teacher or administrator at the said school involved with the said instruction, except that this subsection shall not apply to police service animals or assistance animals. A violation of this subsection (c) shall be an infraction.

(d) It shall be unlawful for any person to allow any animal to enter any public property

where it is prohibited by a government-authorized sign or other reasonable means of notification except police service animals and assistance animals. This subsection shall not apply to police service animals and assistance animals. A violation of this subsection (c) shall be an infraction.

(e) It shall be unlawful for any person having care, custody or control of any animal to allow the animal to be present at any government-sponsored public gathering including, but not limited to, outdoor events and parades. This prohibition applies even though the animal may be leashed, caged or otherwise confined. This prohibition does not apply to assistance or police service animals, and does not apply to instances where the animals are specifically invited by an authorized organizer of the event.

The Chief of Police or the Animal Services Director may exempt certain events from this prohibition. When such an exemption is declared, signs may be posted at significant locations informing participants of the special exemption.

3-1-14. Restraint of Guard and Attack Dogs.

(a) Every owner of a guard or attack dog shall keep such dog securely confined in a building, compartment, cage or other enclosure so that it cannot escape.

(b) The provisions of this Section shall not apply to dogs owned or controlled by government law enforcement agencies.

(c) For purposes of this section, a guard or attack dog shall mean a dog trained to attack on command or the primary purpose of which is to protect persons or property.

(d) A violation of this section shall be a class B misdemeanor.

3-1-15. Animals Attacking Persons and Other Animals.

(a) Attacking animals. It shall be unlawful for the owner, custodian, or person having charge, care, custody or control of any animal to allow to or fail to prevent said animal from attack, bite, chase or worry any person, any domestic animal or fowl, or any species of hoofed or protected wildlife.

"Worry" as used in this section shall mean to cause apprehension or fear or to harass by menacing, growling, snapping, tearing, biting or shaking with the teeth, or approaching aggressively while unconfined or not tethered on a leash.

(b) Custodian liability. A custodian in violation of subsection (a) above shall be strictly liable for a violation of this section by an animal in his or her care.

(c) Mitigating Factors. The following factors may be considered in determining the penalties, restitution, or may be considered by the prosecutor in recommending the dismissal of the charge:

(1) That the custodian of the animal took reasonable precautions to confine or control the animal;

(2) That the animal was deliberately or maliciously provoked; or

(3) The animal was responding to pain or injury.

(d) A violation of this section shall be a class B misdemeanor.

3-1-16. Nuisance Animals.

(a) Any owner or custodian of an animal causing a nuisance as defined below shall be in violation of this title and subject to the penalties provided herein. A nuisance animal is any animal that unreasonably annoys humans, endangers the life or health of persons or other animals, or substantially interferes with the rights of citizens, other than their owners, to the enjoyment of life or property. The term "nuisance animal" shall include, but not be limited to an animal which

(1) causes damage to the property of anyone other than its owner;

(2) is a dangerous dog as defined in Section 3-3-2 of this ordinance at large, or a prohibited animal pursuant to Section 3-3-3(e) of this ordinance at large;

(3) causes unreasonable fouling of the air by odors;

(4) causes unsanitary conditions in its enclosure, cage, yard or surroundings;

(5) defecates on any public sidewalk, park, or building or on any private property without the consent of the owner of such private property; unless the person having custody of such animal or his agent shall immediately remove the feces to a proper trash receptacle; This Subsection shall not be applicable to cases where a person is legally blind or so disabled as unable to pick up the feces when such custodian is being assisted by an assistance animal.

(6) continuously or persistently barks, whines, growls or howls, or makes other noises which substantially disturbs the peace or quiet or causes unreasonable annoyance or disturbance to individuals in close proximity to the premises where the animal is kept;

(7) though confined on the custodian's premises, jumps on fencing, lunges toward passersby, or behaves in a menacing or attacking manner so as to prevent the neighboring occupants from the quiet enjoyment of their property;

(8) molests passersby or chases passing vehicles;

(9) any animal that is found running at large two or more times within a 12-month period while owned by or in the custody of the same person ;

(10) is seriously offensive or a danger to the health, safety or welfare of the public;

(11) any animal which, by virtue of the number of animals maintained at a single place or residence are determined by the Division or Salt Lake Valley Health Department to be offensive or dangerous to the public health, welfare or safety, or unsafe or unhealthy for the animal.

(12) A violation of subsection (a)(10) shall be a class B misdemeanor; a violation of any other provision of this subsection shall be a class C misdemeanor.

(b) A court may require a dog, its owner or custodian to complete obedience and/or behavior training or other classes or training related to dog behavior or training approved by the court.

(c) A court may reduce fines or other penalties if a dog, its owner or custodian have completed obedience and/or behavior training classes approved by the court.

3-1-17. Revocation of Animal License.

If the custodian of any animal is convicted of violating this chapter two or more times within any 12-month period, the Animal Services Director may seek a court order revoking any animal license(s) such person possesses and impound any animals kept by the person under such order. Any animal impounded pursuant to such an order shall be dealt with in accordance with the provisions of this chapter for impounded animals except that the person under the order of revocation shall not be allowed to redeem or keep the animal under any circumstances.

3-1-18. Bites.

(a) The custodian of an animal that bites a person and any person bitten by an animal having knowledge of such bite shall report the bite to the Division or the Valley Health Department within 24 hours of the bite, regardless of whether or not the biting animal is of a species subject to rabies.

(b) If any animal bites or attacks a person or another animal and thereby causes death, a puncture wound or laceration requiring medical attention, such animal may be immediately impounded by the Division without a court order if otherwise allowed by law, and held at the custodian's expense pending court action. Any such animal may be deemed a dangerous animal by the Animal Services Division which may seek a court order that the animal is dangerous, is a nuisance, or if a dog, that it is a dangerous dog as defined herein. . The Division shall promptly serve notice upon the owner and custodian of the animal's impoundment.

(c) The custodian and owner of any animal which bites a person or another person's animal shall promptly provide to such person the name and address of the custodian and (if a different person) the owner, proof of the biting animal's rabies vaccination, and shall provide in writing to the person who was bitten, or if that person is a minor, then to the parent or guardian of the minor, or to the custodian of the animal which was bitten, any information about the custodian and owner's insurance which might cover the treatment and injury, and any information about the biting

animal's likelihood of having rabies.

3-1-19. Control of Rabies and Rabid Animals.

(a) Rabies vaccination required for dogs and cats. The custodian of a cat or dog four months of age or over shall have said animal vaccinated against rabies within 30 days after it reaches said age. Any person permitting any such animal to habitually be on or remain, or be lodged or fed within such person's house, yard, or premises shall be responsible for said vaccination.

Unvaccinated dogs and cats over four months of age shall be vaccinated within thirty (30) days of purchase, acquisition, or care of the said animal. Every dog and cat shall be re-vaccinated thereafter not less frequently than every 36 months, with a modified virus rabies vaccine approved by the Salt Lake Valley Health Department. This provision shall not apply to licensed veterinarian or kennel operators temporarily maintaining animals owned by others on their premises.

(b) Transient animals. It shall be unlawful to bring any animal into Sandy City which does not comply with the the provisions of this title, or State and local health laws and import regulations.

(c) Impoundment of animal without valid rabies vaccination tag.

(1) Any dog or cat four months of age or older may be impounded by the Division if it is no evidence of rabies vaccination is present. The impounded animal may be reclaimed by its custodian by furnishing proof that the animal has received a rabies vaccination as required herein, and payment of all fines and impoundment fees which are owed for the animal prior to release, unless the animal has been put to death and the carcass disposed of by the Division.

(2) Animals shall be disposed of pursuant to Section 3-1-22. Any unvaccinated dog or cat may be reclaimed prior to disposal by payment of fines and impound fees which are owed, and by showing proof that the animal has received a rabies vaccination as required by this ordinance. Evidence of the proof of vaccination shall be provided to the Division within 14 days of the animal's release by the Division.

(3) Any animal not reclaimed prior to destruction shall be disposed of pursuant to the provisions of Section 3-1-22 of this chapter.

(d) Quarantining and disposition of biting or rabid animals.

(1) An animal that has rabies or which is reasonably believed to have rabies, and every non-human mammal bitten by another animal reasonably believed to have rabies shall immediately be confined to a secure place by the custodian. The custodian shall turn over the animal to the Division upon demand.

(2) The custodian of any animal of a species subject to rabies which has been bitten by another animal reasonably believed to have rabies shall surrender the animal to an

authorized Division or Valley Health Department or Utah State Department of Health official upon demand.

(A) Any person authorized to enforce this chapter may enter upon private property to seize an animal that has rabies or reasonably believed to have rabies; if the custodian refuses to surrender the animal, the officer may obtain a search warrant or court order authorizing seizure and impoundment of the animal as allowed by law.

(3) Any animal of a species subject to rabies that bites a person or animal which is reasonably believed to have rabies may be seized and quarantined for observation for a period of not less than ten (10) days by the Division and/or the Salt Lake Valley Health Department. The custodian of the animal shall bear the costs of quarantine. The Sandy City Animal Shelter shall be the normal place for quarantine, but other arrangements, including confinement by the custodian, may be made or approved by the Animal Services Director and/or the Director of Salt Lake Valley Health if the animal had a current rabies vaccination at the time the bite was inflicted or if there are other special circumstances justifying the exception.

A person who has custody of an animal under quarantine shall immediately notify the Division if the animal shows any signs of sickness or abnormal behavior, or if the animal escapes confinement. It shall be unlawful for any person who has custody of a quarantined animal to fail or refuse to allow a Health Department or Division officer to make an inspection of the animal during the period of quarantine. A violation of this paragraph shall be a class B misdemeanor.

If the animal dies within ten (10)-day from the date of the bite, the person having custody of the animal shall immediately notify the Division or immediately remove and deliver the head to the Health Laboratory of Epidemiology and Laboratory Services to be examined for rabies. If, at the end of the ten (10)-day period, the Director of Animal Services examines the animal and finds no sign of rabies, the animal may be released to the custodian, or, in the case of a stray, it shall be disposed of as provided in Section 3-1-22. A violation of this paragraph shall be a class B misdemeanor.

(4) Any wild or feral animal that bites or scratches a person or animal or that is suspected of having rabies may be seized and euthanized for examination of rabies pursuant to Utah Department of Health rules and regulations.

(5) Unvaccinated bitten animals.

(A) In the case of an unvaccinated animal species subject to rabies which is known or reasonably suspected to have been bitten, scratched by or otherwise exposed to a known rabid animal, said bitten or exposed animal shall be immediately destroyed.

- (B) If the custodian or owner is unwilling to destroy the bitten or exposed animal, the animal shall be immediately isolated and quarantined for six (6) months under veterinary supervision, the cost of such quarantine to be paid by the custodian. The animal shall be destroyed if the custodian does not comply herewith. The custodian shall immediately notify the Division of the location of the place of quarantine, and shall immediately notify the Division if the animal is moved.

(6) Vaccinated bitten animals.

- (A) If an animal which is known or reasonably suspected to have been bitten or exposed by a known rabid animal has been vaccinated, the animal shall be re-vaccinated within 24 hours and quarantined for a period of thirty (30) days following re-vaccination; or
- (B) If the animal is not re-vaccinated within 24 hours, the animal shall be isolated and quarantined under veterinary supervision for six (6) months;
- (C) The animal shall be destroyed if the custodian does not comply with items (A) or (B) of this subsection .

(7) Removal of quarantined animal. It shall be unlawful for any person to remove any such animal from the place of quarantine without written permission from the Division.

(e) Rabies epidemic. Notwithstanding the other provisions of this section, whenever the Mayor or Council of Sandy City, upon the recommendation of the Salt Lake County Health Department, the Animal Services Director, or the Chief of Police, shall determine and declare that any disease epidemic exists within the City by reason of rabies, or for any other disease or cause related to animals, and that it is necessary to protect and preserve the public health and safety, the council of the City shall by resolution declare and determine the existence of an epidemic of such disease, and thereupon it shall be the duty of the Director and the Chief of Police of the City when so directed by the Mayor or Chief Administrative Officer, and until such time as it may be determined by the Mayor or said Council that such disease epidemic no longer exists, to immediately destroy or cause to be destroyed, in the event such epidemic is one of rabies, any dog or dogs which may have bitten any person or persons, dog or dogs, or other animal or animals, or which in the judgment of an officer of the Salt Lake County Health Department is suffering from the disease of rabies, and to immediately destroy, or cause to be immediately destroyed, the dog or dogs, and such other animal or animals, during the existence of such epidemic, which are declared to be an imminent menace to the public health and safety. During the continuance of such epidemic any person or persons owning any dog or dogs within the City shall keep such dog muzzled at all times while it is at large, and any dog or dogs un-muzzled and running at large upon any of the public streets, lane, alleys, or other public place of the City during the epidemic shall be impounded and destroyed whether or not such dog or dogs be suffering from rabies. Any member of the Division and the Police Department is authorized to enforce the provisions hereof.

3-1-20. Impounding: Animals To Be Impounded.

The Division shall place all animals which it takes into custody in the Sandy City Animal Shelter or other facility designated by the Director. The following animals may be taken into custody by the Division, and impounded:

- (a) Any animal being kept or maintained contrary to provisions of this ordinance;
- (b) Any animal running at large contrary to the provisions of this ordinance;
- (c) Any animal which is required to be licensed by this ordinance and is not licensed. An animal not wearing a tag shall be presumed to be unlicensed for purposes of this section;
- (d) Sick or injured animals whose custodian cannot be located;
- (e) Any abandoned animal;
- (f) Animals which are not vaccinated for rabies in accordance with the requirements of this ordinance;
- (g) Any animal to be held for quarantine;
- (h) Any dangerous dog not properly muzzled, restrained and confined as required in Chapter 3-3 or which otherwise fails to comply with Chapter 3-3 of this title;
- (i) Any animal which has been abused, neglected or treated cruelly while in the custody of the same person who presently has custody;
- (j) Any warm-blooded animal which has bitten or attacked a person or another animal without provocation, or which is reasonably suspected of having rabies.

3-1-21. Impounding: Records to be Kept.

The impounding facility shall keep a record of each animal impounded which includes the following information:

- (a) Complete and reasonably detailed information about the animal including the approximate size and weight of the animal, its breed(s) if it can reasonably be determined, its color, markings, sex, and other information which the Animal Services Director deems appropriate, including license tag numbers;
- (b) The manner and date of impound;
- (c) The location of the pickup and the name of the officer or person picking up the animal;

- (d) The manner and date of disposal;
- (e) The name and address of the redeemer or purchaser;
- (f) The name and address of any person relinquishing an animal to the impound facility;
- (g) All fees and costs incurred and received for keeping the animal; and
- (h) All expenses accrued during impoundment.

3-1-22. Impounding: Disposition of Animals.

- (a) Animals shall be impounded for a minimum of five (5) business days before further disposition, except as otherwise provided herein. Reasonable effort shall be made to notify the custodian of any animal wearing a license or other identification during that time. Notice shall be deemed given when sent to the last known address of the listed custodian. An animal voluntarily relinquished to the Division by the custodian thereof for destruction or other disposition need not be kept for the minimum holding period before release or other disposition as herein provided.
- (b) All dogs and cats, except for those quarantined or confined by court order, held longer than the minimum impound period, and all dogs and cats voluntarily relinquished to the impound facility may be destroyed or transferred as the Director shall direct. Any healthy dog or cat may be transferred to any person or to any institution engaged in scientific research and desiring to purchase such animal for a fee established by the City Council, plus license and rabies vaccination if required. A dog or cat may not be transferred unless the dog or cat has been sterilized, except as hereinafter provided.

An animal shelter may transfer a dog or cat for adoption that has not been sterilized, only if the animal shelter:

- (1) establishes a written agreement, executed by the recipient, stating the dog or cat is not sterilized and the recipient agrees in writing to be responsible for ensuring the dog or cat is sterilized:
 - (A) within 30 days after the agreement is signed, if the dog or cat is six months of age or older; or
 - (B) if the dog or cat is younger than six months of age, then within 30 days after the dog or cat becomes six months of age; and
 - (2) receives from the recipient a sterilization deposit as to be held to assure that the sterilization is performed as provided hereafter, the terms of which are part of the written agreement executed by the recipient under this section.
- (c) Sterilization deposit.

- (1) A sterilization deposit is a deposit that is refundable to the recipient if proof of sterilization of the dog or cat within the appropriate time limits as set forth in the agreement is presented to the animal shelter not more than three months after the date the dog or cat is sterilized; and
 - (2) A sterilization deposit is forfeited to the animal shelter if proof of sterilization is not presented to the animal shelter in compliance with (c)(1) above.
 - (3) Sterilization deposits shall be set by the City Council and shall reflect the average cost of a sterilization of a dog or cat, based on the gender and weight of the dog or cat, that is reasonably available in the area where the animal shelter is located, but the deposit may not be less than \$25.
 - (4) If a female dog or cat and her litter are transferred to one person, a sterilization deposit is required only for the adult female dog or cat.
 - (5) All sterilization deposits forfeited or unclaimed under this section shall be retained by the animal shelter and shall be used by the animal shelter only for:
 - (A) a program to sterilize dogs and cats;
 - (B) a public education program, to reduce and prevent overpopulation of animals and the related costs to local governments;
 - (C) a follow-up program to assure that dogs and cats transferred by the animal shelter are sterilized in accordance with the agreement executed under Section (b)(1) above; and
 - (D) any additional costs incurred by the animal shelter in the administration of the requirements of this section.
- (d) Failure to comply with the sterilization agreement. If a recipient fails to comply with the sterilization agreement under section (b)(1) above:
- (1) The failure is ground for seizure and impoundment of the cat or dog by the animal shelter from whom the recipient obtained the cat or dog;
 - (2) The recipient relinquishes all ownership rights regarding the cat or dog and any claim to expenses incurred in maintenance and care of the dog or cat; and
 - (3) The recipient forfeits the sterilization deposit.
- (e) “Proof of sterilization” means a written document signed by a veterinarian stating:

- (1) a specified animal has been sterilized;
- (2) the date on which the sterilization was performed; and
- (3) the location where the sterilization was performed.

(f) Any licensed animal impounded and having or suspected of having serious injury or disease requiring medical attention may, in the discretion of the Director, be released to the care of a veterinarian with the consent of the custodian.

(g) When, in the judgment of the Director, it is determined that an unidentified or unclaimed stray animal should be destroyed to prevent unnecessary suffering due to serious injury or disease, such animal may be destroyed without regard to any time limitations otherwise established herein, and without court order.

3-1-23. Redemption of impounded animal.

(a) The custodian of any impounded animal may redeem such animal before disposition provided the custodian complies with the following:

- (1) Payment of the impound fee in the amount set by resolution of the Sandy City Council;
- (2) Payment of the daily board charge;
- (3) Payment of veterinary costs incurred during the impound period, including rabies vaccination; and
- (4) Payment of any license fee(s) due.

(b) The Division caring for an animal pursuant to this section has a claim against its owner for the reasonable cost of its care and destruction.

3-1-24. Cruelty to Animals Prohibited, Dogfighting.

(a) The words used in this section shall have the same meanings as they have in Utah Code Section 76-9-301.

- (1) As used in this title “torture” means intentionally or knowingly causing or inflicting extreme physical pain to an animal in an especially heinous, atrocious, cruel, or exceptionally depraved manner.

(b) Except as provided in Subsection (d) or (f) below, a person is guilty of cruelty to an animal if the person without legal privilege to do so, intentionally, knowingly, recklessly, or with criminal negligence:

- (1) Fails to provide necessary food, water, care, or shelter for an animal in the

person's custody;

- (2) Abandons an animal in the person's custody;
- (3) Injures an animal;
- (4) Causes any animal, not including a dog, to fight with another animal of like kind for amusement or gain;
- (5) Causes any animal, including a dog, to fight with a different kind of animal or creature for amusement or gain; or
- (6) Confines an animal in an unattended enclosed motor vehicle, an enclosed container or other space when the outside temperature is above 75 degrees F. and there are indications that the animal is in distress.

(A) For purposes of this subpart (b)(6), indications that the animal is in distress include but are not limited to the following signs:

- (i) The animal is panting, listless, or apparently unconscious;
 - (ii) The animal shows signs of thirst;
 - (iii) There is no water or insufficient water available for the animal to drink;
 - (iv) No air conditioning is running to cool the temperature in the vehicle or other space; or
 - (v) Scratching, whining, or other sounds of distress.
- (B) For purposes of subsection (6) just above, "other space" shall not include a home, garage, or building larger than 150 square feet in area.
- (C) Any law enforcement officer or agent of a licensed humane organization may take action reasonably necessary to rescue a confined animal endangered by extreme temperatures, and to remove the threat of further serious harm.
- (D) No officer or agent taking action under this subsection (6) shall be liable for damage reasonably necessary to rescue the confined animal.
- (E) The Animal Control officer or other officer shall have the authority to remove any animal found in an enclosed vehicle, enclosed container or other space that appears to be suffering from heat stress. After reasonable efforts to notify the

owner, the Division may provide shelter and care for the animal if needed in the officer's judgment. The animal custodian shall be responsible for all expenses incurred in the removal of the animal or its subsequent care, including veterinary treatment and impoundment.

(c) Except as provided in Subsection (o)(enhanced penalties for cruelty), and except as provided in (b)(6)(F) just above, a violation of subsection (b) is:

- (1) a class B misdemeanor if committed intentionally or knowingly; and
- (2) a class C misdemeanor if committed recklessly or with criminal negligence.

(d) A person is guilty of aggravated cruelty to an animal if the person:

- (1) tortures an animal;
- (2) administers, or causes to be administered, poison or a poisonous substance to an animal;
or
- (3) kills an animal or causes an animal to be killed without having a legal privilege to do so.

(e) Except as provided in Subsection (n) below, a violation of Subsection (d) above is:

- (1) a class A misdemeanor if committed intentionally or knowingly;
- (2) a class B misdemeanor if committed recklessly; and
- (3) a class C misdemeanor if committed with criminal negligence.

(f) It is a defense to prosecution under this section that the conduct of the actor towards the animal was:

- (1) by a licensed veterinarian using accepted veterinary practice;
- (2) directly related to a bona fide experimentation for scientific research, provided that if the animal is to be destroyed, the manner employed will not be unnecessarily cruel unless directly necessary to the veterinary purpose or scientific research involved;
- (3) permitted under Section 18-1-3, Utah Code Anno.;
- (4) by a person who humanely destroys any animal found suffering past the likelihood of recovery for any useful purpose; or

- (5) by a person who humanely destroys any apparently abandoned animal found on the person's property;
 - (6) by the Division pursuant to Sections 3-1-16, 3-1-18, 3-1-19, 3-1-20, and 3-1-22, of this chapter.
- (h) For purposes of subsection (g)(4), before destroying the animal, the person who is not the custodian of the animal shall obtain:
- (1) the judgment of a veterinarian of the animal's non-recoverable condition;
 - (2) the judgment of two other persons called by the person to view the unrecoverable condition of the animal in the person's presence;
 - (3) the consent from the owner of the animal to the destruction of the animal; or
 - (4) a reasonable conclusion that the animal's suffering is beyond recovery, through the person's own observation, if the person is in a location or circumstance where the person is unable to contact another person.
- (i) This section does not affect or prohibit:
- (1) the training, instruction, or grooming of animals if the methods used are in accordance with accepted animal husbandry practices or customary farming practices;
 - (2) the use of a generally accepted electronic locating or training collar when used according to generally accepted practices by the custodian of an animal for the purpose of lawful animal training, lawful hunting practices, or protecting against loss of that animal; or
 - (3) the lawful hunting of, fishing for, or trapping of, wildlife.
- (j) Upon conviction under this section, the court may in its discretion, in addition to other penalties:
- (1) order the defendant to be evaluated to determine the need for psychiatric or psychological counseling, to receive counseling as the court determines to be appropriate, and to pay the costs of the evaluation and counseling;
 - (2) require the defendant to forfeit any rights the defendant has to the animal subjected to a violation of this section and to repay the reasonable costs incurred by any person or agency in caring for each animal subjected to violation of this section;
 - (3) order the defendant to no longer possess or retain custody of any animal, as specified by the court, during the period of the defendant's probation or parole or other period as

designated by the court; and

- (4) order the animal to be placed for the purpose of adoption or care in the custody of a county or municipal animal services agency, an animal welfare agency registered with the state, sold at public auction, or humanely destroyed.

(k) This section does not prohibit the use of animals in lawful training.

(l) Spectator at organized animal fighting exhibitions. It is unlawful for a person to knowingly be present as a spectator at any place, building, or tenement where preparations are being made for an exhibition of the fighting of animals prohibited by Subsections 76-9-301(2)(d) and (e), Utah Code Ann., or to be present at such exhibition, regardless of whether any entrance fee has been charged. A person who violates this section is guilty of a class B misdemeanor.

(m) Dog fighting; training dogs for fighting; dog fighting exhibitions.

(1) It is unlawful for any person to:

(A) own, possess, keep, or train a dog with the intent to engage it in an exhibition of fighting with another dog;

(B) cause a dog to fight with another dog or cause a dog to injure another dog for amusement or gain;

(C) tie, attach, or fasten any live animal to a machine or device propelled by any power, for the purpose of causing the animal to be pursued by a dog; or

(D) permit or allow any act which violates Subsections (1)(A), (B), or (C) on any premises under his charge; or to control, aid, or abet any such act.

(2) Possession of any breaking stick, treadmill, wheel, hot walker, cat mill, cat walker, jenni, or other paraphernalia together with evidence that the paraphernalia is being used or is intended for use in the unlawful training of a dog to fight with another dog, together with the possession of any such dog, is prima facie evidence of violation of Subsections (1)(B) and (1)(C).

(3) Nothing in this section prohibits any of the following:

(A) the use of dogs for management of livestock by the owner, his employees or agents, or any other person in the lawful custody of livestock;

(B) the use of dogs for hunting; or

(C) the training of dogs or the possession or use of equipment in the training of dogs

for any purpose not prohibited by law.

(n) Enhanced penalties.

(1) As used in this section, "Conviction" means a conviction by plea or by verdict, including a plea of guilty or no contest that is held in abeyance under Title 77, Chapter 2a, Pleas in Abeyance or any comparable Sandy City ordinance, regardless of whether the charge was, or is, subsequently reduced or dismissed in accordance with the plea in abeyance agreement.

(2) Except as provided in Subsection (4), a person who commits any violation of Subsections (b), (m) or(n)(4) within the State and on at least one previous occasion has been convicted of violating Subsections (b), (m) or(n)(4) shall be subject to an enhanced penalty as provided in Subsection (3) below.

(3) The enhanced degree of offense for offenses committed under this section are:

(A) if the offense is a class C misdemeanor, it is a class B misdemeanor; and

(B) if the offense is a class B misdemeanor, it is a class A misdemeanor.

(4) The penalty enhancements described in this section do not apply to a conviction for the offense described in Subsection (f) above (penalty for intentionally and knowingly torturing a companion animal).

3-1-25. Sale of Animals.

(a) Rabbits or fowl: It shall be unlawful for any person to sell, offer for sale, barter or give away any baby rabbits or fowl under two (2) months of age in any quantity less than six (6). Such animals shall not be artificially dyed or colored. Nothing in this provision shall be construed to prohibit the raising of such rabbits and fowl by a private individual for his personal use and consumption, provided that he shall maintain proper brooders and other facilities for the care and containment of such animals while they are in his possession.

(b) Premiums and novelties: It shall be unlawful for any person to offer any live animal as a premium, prize, award, novelty, or incentive to purchasing merchandise or services.

(c) Pet turtles: It shall be unlawful for any pet shop or other business or person to raise or sell any turtle, tortoise or terrapin under four (4) inches front to back carapace length.

(d) A violation of this section shall be a class C misdemeanor.

3-1-26. Wild Animals and Hybrids.

(a) It shall be unlawful for any person to sell, offer for sale, barter, give away, keep or purchase any wild animal as defined in Section 3-1-1 or any hybrid thereof, or any wild animal which is fierce, dangerous, vicious, noxious, or naturally inclined to do harm, or any animal which can

contract rabies but which cannot be properly vaccinated for rabies as determined by the Utah Department of Health. This prohibition shall not include any State animal shelter, a zoological park, veterinary hospital, humane society shelter, public laboratory, circus sideshow or amusement show which is within Sandy City less than two weeks in any 12-month period, persons with a business license for the purpose of raising members of the Mustelidae family as a business for their pelts or musk, or facility for education or scientific purposes, and who follow all laws applicable to keeping such wild animals. The excepted entities listed in the foregoing sentence may keep such an animal if protective devices adequate to prevent such animal from escaping or endangering the public health or safety are provided.

(b) It shall be unlawful for any person to keep an animal of a species prohibited or protected by Title 50 of the Code of Federal Regulations or by any regulation or law of the State of Utah.

(c) The City may establish a prima facie case that the animal is a wild animal upon showing that the custodian has represented that it is a wild animal, and upon presenting competent evidence that the animal exhibits a primary physical or behavioral characteristic of a wild animal. The foregoing will not prevent the City from demonstrating by any other means that the animal is a wild animal.

(d) A violation of this section shall be a class B misdemeanor.

3-1-27. Regulatory Permits.

Commercial permits shall be unlawful for any person to operate or maintain a kennel, cattery, pet shop, groomery, riding stable or any similar establishment unless such person first obtains a business license from the Community Development Department, in addition to all other required licenses.

3-1-28. Dead Animals.

It shall be unlawful for any person knowingly to permit any dead animal to remain on his property for more than 12 hours without removing it except as provided in City ordinances; or for the custodian of any dead animal knowingly to permit the same to remain on any public property or on any premises within the City for more than 12 hours without notifying Animal Services of its location or removing it. If the custodian of the dead animal does not remove it himself or cause it to be properly removed, the City may remove it and assess a fee where a fee applies, or if no fee applies, then the City may charge the custodian the actual costs of the pickup, transport and destruction or incineration of the animal. The City may avail itself of all remedies in law and equity to enforce such removal, destruction and incineration, and to recover the costs associated therewith.

3-1-29. Penalties.

Except as otherwise provided herein, a violation of any provision of this chapter shall be a class C misdemeanor.

3-1-30. Sandy City Land Development Code Requirements.

The keeping of animals within the City either for personal, business or agricultural purposes, in addition to complying with the provision of this title, must also comply with the Land Development Code of Sandy City, Utah 2002 (Title 15, Revised Ordinances of Sandy City), and all other ordinances of Sandy City as they may be amended hereafter.

TITLE 3

SANDY CITY ANIMAL SERVICES ORDINANCE

Approved and Adopted 10/1/2008

CHAPTER 3-2

HOBBY LICENSE

3-2-1. Purpose.

It is the purpose of this chapter to create in Sandy City a hobby license which shall allow the licensee to maintain a maximum of five dogs over one year of age upon the licensed premises.

3-2-2. Hobby License Requirements.

A hobby license shall allow the custodian to keep no more than five dogs over one year of age in a residential area. In no event shall a person with a hobby license be allowed to keep any other dogs if custodian has a dangerous dog. Such licensee may keep intact one litter of pups up to six months of age and may thereafter keep one animal from the original litter up to an age of 12 months. At no time shall the licensee keep more than five dogs over one year of age. Nevertheless, the following requirements shall be met by the licensee:

- (a) Statement of Hobby Interest. The applicant for a hobby license shall complete a form provided by the City, which form shall require the notarized signature of the applicant and shall indicate that the applicant desires to maintain the said dogs for hobby purposes. "Hobby purposes" shall include, but not be limited to, the showing of dogs, training of dogs for field trials, the training of dogs for rescue, for obedience, tracking and other such purposes, and the maintaining of dogs for recreation, breeding, and sporting purposes.
- (b) Outdoor Requirements.
 - (1) The applicant shall provide dog runs with shelter to protect the dogs from foul weather, wind, and excessive exposure to natural elements. Said runs shall also be designed to prevent the escape of any dog constrained therein.
 - (2) All fencing shall be of sufficient strength and of such construction to prevent the escape of or injury to any dog housed within such fencing.
 - (3) All fencing shall be maintained so that no part of such fence shall be broken, damaged, or in any way pose a significant risk of injury to the enclosed dog or to allow the escape thereof.
 - (4) In addition to providing the fenced animal runs, the applicant shall be required to erect a substantial fence around that portion of the yard in which the dog(s) are maintained sufficient to prevent the dog's escape.

- (5) The animal runs located in the yard shall be positioned so as not to be a nuisance to any neighbor, and shall be at least forty (40) feet from the nearest portion of any neighboring building used as a dwelling.
- (6) No dog runs shall be located within the front yard setback area.
- (7) An opaque screen shall be provided to screen any dog run from view by surrounding persons or from surrounding properties.
- (8) An applicant for a hobby license shall submit a plot plan showing the location of the applicant's lot, the location of surrounding and adjoining lots, and shall include the location of all structures presently in place, both main and accessory, and the proposed location of any dog runs, shelters or other such structures. The Division may determine the adequacy of the applicant's plot plan.
- (9) No dog run shall be located in the side yard setback area unless specific authorization is granted pursuant to a review by the Division and the Department of Community Development.
- (10) All accessory runs, buildings, fences and other outdoor facilities must also comply with all provisions of the Land Development Code of Sandy City, Utah 2002 (Sandy Land Use Code). In the case of a conflict between the ordinances, the more restrictive provision shall apply.

(c) Size of Dog Runs.

The dog runs required by this title shall have as a minimum size the following:

- (1) The dog run shall be no less than 32 square feet in size when the dog restrained therein is over 50 lbs. in weight.
- (2) The dog run shall be no less than 18 square feet in size when the dog restrained therein is more than 15 lbs. but less than 50 lbs. in weight.
- (3) The dog run shall be no be less than 10 square feet when the dog restrained therein is 15 lbs. or less in weight.
- (4) If the applicant desires to construct dog runs which shall be "communal" in nature, said runs shall be proportionally larger for each additional dog therein. For example, if two dogs in a dog run both weigh over 50 lbs, then the dog run shall be at least 64 sq. ft in size.

(d) Bedding.

The bedding contained in the dog runs shall meet the following requirements:

- (1) The bedding shall be of a material which may be either disposed of by sanitary means or removed and cleaned.
- (2) Newspapers or other similar material used to absorb moisture shall be removed and replaced daily, and areas beneath them cleaned and disinfected daily. All newspapers or other material removed shall be disposed of in a manner acceptable to the Salt Lake Valley Health Department.
- (3) The floors of a dog run, constructed of concrete, shall provide for a resting board or some type of bedding for the dogs restrained therein which insulates the dogs from the concrete.
- (4) If any bedding used is of a type that must be cleaned, the material shall be cleaned as often as necessary to maintain a health and sanitary condition. All bedding shall be kept clean and free of noxious odors.

(e) Cleaning of Dog Runs.

- (1) All runs shall be cleaned and disinfected as needed each day to prevent fecal accumulation.
- (2) Cleaning agents or chemicals that may be harmful to dog tissue shall not be used where there is a possibility of contact or ingestion of such agents or chemicals by the dog.
- (3) Fecal material shall be properly handled and disposed of in accordance with applicable regulations of the Salt Lake Valley Health Department.
- (4) When necessary, or under the direction of the Salt Lake Valley Health Department, the licensee shall use such chemicals and materials as may be necessary to control flies, insects or other pests.
- (5) Accumulations of fecal or other waste material or garbage in and around any dog run shall be cleaned up and properly disposed of at least daily. The dog run itself and the surrounding area shall be neat, clean and free of litter, trash garbage and noxious odors.

(f) Feed.

The feeding of the dog shall be governed by the following requirements:

- (1) The feed given to the animals shall be stored in a manner so as to prevent contamination from any source, and shall be stored so it does not attract rodents, vermin or other pests.
- (2) Fresh potable water shall be available to the dog at all times.

(g) Noise Control.

The licensee shall take such steps as may be necessary to assure that noise generated by the

dogs owned and kept by the licensee shall not be in violation of 3-1-16 (6) or (7).

(h) Land Use Regulations.

A hobby license shall not be granted to any applicant unless the application shall conform to all Sandy City land use regulations.

(i) Other Regulations.

The licensee shall comply with the provisions of Chapter 3-1 (Animal Services) except Sections 3-1-6 (Licensing) and 3-1-7 (License Tag).

3-2-3. Fees and Required Vaccination.

(a) The fee for a hobby license shall be established by resolution of the City Council.

(b) The licensee shall be required to provide proof of a rabies vaccination to the Division in accordance with Section 3-1-19 for each dog kept and maintained under authority of any hobby license upon application for, or renewal of, the hobby license and upon the acquisition or substitution of any dog pursuant to the permit.

3-2-4. Renewal of Hobby License And Inspections.

(a) Any hobby license issued pursuant to the provisions of this chapter shall automatically expire 12 months after it is issued. The Division will mail a reminder to the licensee one month prior to expiration. If the licensee fails to renew the license within 30 days of expiration, the hobby license applicant shall file a new application for a hobby license.

(b) The Division may inspect each licensed premises at least once each year at any time without or without notice.

3-2-5. Exemptions.

Animal shelters and other animal facilities operated by State or local governments or which are licensed by federal law, are excluded from the licensing requirements of this chapter.

3-2-6. Complaints and Revocation of License.

Complaints with regard to persons keeping and maintaining dogs under the provisions of this chapter may be resolved as follows:

(a) The complaint shall be investigated by the Division.

(b) Upon completion of such investigation of the initial complaint, the Division may, in addition to other actions, submit to the licensee, requirements for removing the cause of the original complaint. Any such shall include a time period in which such requirements must be implemented.

(c) The Division shall reinspect the premises to determine if the causes of the complaint have been removed and if the recommendations of the Division have been followed.

(d) Failure by the licensee to either remove the causes for the original complaint or to comply with the requirements of the Division, and to comply with all applicable laws, including this chapter and chapter 3-1, shall be considered grounds for revocation of the license issued under authority of this chapter.

(e) In the event that the causes of the complaint are not removed within the time specified by the Division, a hearing for the revocation of the license granted hereunder shall be held before the Director or his designee. The hearing procedure shall provide for the following:

- (1) A written notice served upon the licensee setting forth the causes upon which the revocation of the license is based.
- (2) The opportunity for the licensee to appear at an open hearing and present evidence, appear in person or be represented by counsel, and to examine witnesses.
- (3) Upon the presentation of the evidence by the licensee and the City, the Director or his designee shall render a final decision on the license revocation.

3-2-7. Penalties.

Any violation of the provisions of this chapter shall be deemed a class C misdemeanor unless otherwise specifically designated as a different level of offense.

TITLE 3

SANDY CITY ANIMAL SERVICES ORDINANCE

Approved and Adopted 10/1/2008

CHAPTER 3-3

DANGEROUS AND PROHIBITED DOGS

3-3-1. Purpose and Intent.

The purposes of this title are to promote the public health, safety, and general welfare of the citizens of the City of Sandy, Utah. It is intended to be applicable to dangerous dogs, as defined herein, to prohibit the keeping of wild animal-dog hybrids, and to regulate certain dogs which have a history of one or more serious attacks on people or animals as defined herein whether in Sandy or elsewhere, by ensuring responsible handling by their owners and custodians through registration, confinement, and other means provided herein.

3-3-2. Definitions.

If not otherwise defined in this section, words in this chapter shall have the same meanings as defined in Section 3-1-1, unless the context clearly suggests otherwise. When used in this title, the following words, terms, and phrases, and their derivations shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

Dangerous dog means any dog that, because of its aggressive nature, training or characteristic behavior, presents a risk of serious physical harm or death to human beings, or would constitute a danger to human life, physical well-being, or property if not kept under the direct control of the custodian. This definition shall not apply to dogs utilized by law enforcement officers in the performance of their duties. The term “dangerous dog” includes any dog that according to the records of the City Division of Animal Services, or any law enforcement agency:

- (1) Has aggressively bitten, attacked, endangered, or inflicted injury requiring medical attention on a human being on public or private property, or without adequate provocation, has chased or approached a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack;
- (2) Has severely injured or killed a domestic animal while off the owner’s property; or
- (3) Has been used in or trained for dog fighting.

3-3-3. Dangerous Dogs and Prohibited Hybrids.

(a) Except as provided in Section 3-1-16, a court may determine whether a dog is dangerous in any case coming before it. The following factors may be considered in determining whether a dog is dangerous, but the court may consider others in its discretion:

- (1) Provocation in any attack by the dog;
 - (2) The nature and severity of the attack or injury to a person or domestic animal by the dog;
 - (3) Previous history of aggression of the dog or inadequate control by the custodian;
 - (4) Observable behavior of the dog;
 - (5) Site and circumstances of the incident; and
 - (6) The dog's performance on a generally accepted or otherwise reliable temperament test.
- (b) A determination that the dog is in fact a dangerous dog as defined in Section 3-3-2 shall subject the dog and its owner to the provisions of this title.
- (c) Police service animals are not dangerous dogs under this ordinance when employed by a police department of the federal, State or local government or any subdivision of a State, or of the United States, or service animals owned and employed by one of the Armed Forces of the United States
- (d) The following animals are prohibited and may not be kept within Sandy City: wolves, coyotes, wolf-dog hybrids, coyote-dog hybrids, and any other hybrid of a dog and a wild animal.

3-3-4. Keeping of Dangerous Dogs.

The keeping of a dangerous dog shall be subject to the following requirements in addition to those required of all dog owners in Sandy City pursuant to Chapter 3-1 of this ordinance:

- (a) *Leash.* No person having charge, custody, control or possession of a dangerous dog shall allow the dog to be outdoors of its house, or to exit its kennel, pen or other secure enclosure unless such dog is securely attached to a leash strong enough to restrain the dog not more than six (6) feet in length. A dangerous dog shall at all times be kept under direct physical control.
- (b) *Kept in Enclosure, Muzzle, Exercise.* It shall be unlawful for any owner or custodian of a dangerous dog to allow the dog to be outside of its secure enclosure unless it is either confined indoors in the custodian's dwelling or building, or unless it is necessary for the dog to receive veterinary care, in which case the dog shall be properly leashed and muzzled with an appropriately fitted muzzle, such as a basket muzzle. Nothing in this section shall prohibit necessary exercise for a dangerous dog provided that it is in the immediate presence of a custodian capable of controlling the dog, and provided the dog is in non-public property within a secure fence or enclosure from which it cannot escape, and which prevents entry by small children.

(c) *Confinement.* Except when leashed, muzzled and under direct physical control, a dangerous dog shall be securely confined indoors or confined in a locked pen or other secure enclosure that is suitable to prevent the entry of children and is designed to prevent and actually prevents the dog from escaping. The enclosure shall include shelter and protection from the elements and shall provide adequate exercise room, light and ventilation. The enclosed structure shall be kept in a clean and sanitary condition and shall meet the following requirements:

- (1) The enclosure must have secure sides and a secure top;
- (2) The enclosure must have a bottom permanently attached to the sides, or the sides must be securely embedded not less than one (1) foot into the ground;
- (3) The enclosure must be of such material and closed in such a manner that the dog cannot exit the enclosure on its own; and
- (4) The enclosure shall be placed as close as practicable to the Owner's dwelling or building with a separate perimeter fence so that it prevents the dog from coming in contact with passersby or children, and may not be located in the front or side yard of a dwelling or other building and shall not be closer than ten feet from a property line. The enclosure shall be placed within a continuous perimeter fence which shall be at least six feet in height where the law and private property covenants and restrictions allow, shall be maintained in good repair, shall be constructed in a way so as to prevent the ready entry or exit of dogs, and shall prevent the entry of small children who are not of the custodian's family. The enclosure may not be part of or attached to the perimeter fence.

(d) *Indoor Confinement.* No dangerous dog shall be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no such dog shall be kept in a house or structure when the window screens or screen doors are the only obstacle preventing the dog from exiting the structure.

(e) *Signs.* All owners, custodians or harborers of dangerous dogs shall display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog" on all gates to the yard in which the dog is kept and doors to the home through which guests might reasonably be expected to enter, and on all sides of the property which abut a public right of way.

(f) *Notification of Escape.* The owner or custodian of a dangerous dog shall notify the Division of Animal Services immediately if such dog escapes from its enclosure or restraint and is at large. Such immediate notification shall also be required if the dog bites or attacks a person or domestic animal.

(g) *Notification to Custodian.* A custodian or owner must notify another person taking custody or ownership of a dog determined dangerous by a court under Section 3-3-3(a) that the dog has been determined to be a dangerous dog, and of the requirements that must be met in keeping the

dog under this Section 3-3-4.

(h) *Failure to Comply.* It shall be unlawful and a misdemeanor for any owner or custodian of a dangerous dog to fail to comply with the requirements and conditions set forth in this section. Any dog found to be in violation of this section shall be subject to immediate seizure and impoundment. In addition, failure to comply with the requirements and conditions set forth in this ordinance shall result in the revocation of the dog's license and the permit providing for the keeping of such animal.

(i) *Microchip.* Every owner of a dangerous dog shall implant a microchip on the dog before registering it with the Division of Animal Services.

(j) *No More than One Dangerous Dog.* In no event shall a person be allowed to keep any other dogs if the person has a dangerous dog.

(k) *Other Conditions.* A court may impose other conditions on the keeping of a dangerous dog including but not limited to maintaining liability insurance and surety bonds, training of animals or custodians, and sterilizing the dog..

3-3-5. License and Tag Required for Dangerous Dogs; Applicability to Nonresidents.

(a) The owner of a dangerous dog shall, within fourteen (14) days after establishing a residence in Sandy, or if the owner has already established a residence in Sandy, then upon acquisition of such a dog, obtain license from the Division of Animal Services to harbor the dog. The fee for such permit shall be determined by the City Council. The owner shall disclose on a dog license application form provided by the Division whether the owner has homeowner's insurance, and if so, the name of the insurance carrier and the policy number, which shall be public information, and which shall be disclosed upon request to any person who sustains an injury caused by the dog upon request.

(b) At the time the license is issued, the Division shall issue a highly visible tag to the owner of the dangerous dog identifying it as such a dog. The tag shall be worn at all times by the dog .

(c) The permit for maintaining a dangerous dog shall be presented to an Animal Services officer upon demand.

(d) Any person who brings into Sandy City a dog which has been determined dangerous by a court or body having jurisdiction over the owner or the dog, shall at all times comply with the provisions of chapter 3-1 and this chapter 3-3 which are applicable to the dog and owner, including subsections (a) through (d) of this section 3-3-5 of this chapter.

3-3-6. Change of Ownership.

(a) Any owner of a dangerous dog who sells or otherwise transfers ownership, custody or residence of the dog shall, within ten (10) business days after such change of ownership or residence, provide written notification to the Division of Animal Services of the name, address

and telephone number of the new owner. It also shall be the responsibility of the person transferring ownership or custody of a dangerous dog to provide written notification of the dog's classification as dangerous to the person receiving the dog. The previous owner shall furnish a copy of such notification to the Division of Animal Services along with written acknowledgment by the new owner of his receipt of such notification, and the name, address, and telephone number of the new owner.

(b) Any person receiving ownership or custody of a dog classified as dangerous must obtain the required permit, tag and enclosure prior to acquisition of the dog. The new owner shall comply fully with the provisions of this Ordinance including those pertaining to payment of fees, and maintenance, control and ownership of such a dog.

3-3-7. Continuation of Dangerous Dog Declaration.

Any dog that has been declared dangerous by any agency or department of this City, another municipality, county, or State shall be subject to the provisions of this Ordinance for so long as the dog remains in the City. The person owning or having custody of any dog designated as a dangerous dog by any municipality, county, or State government shall notify the Division of Animal Services of the dog's address and conditions of maintenance within ten (10) days of moving the animal into the City of Sandy. The restrictions and conditions of maintenance of any dog declared dangerous by this City, another municipality, county, or State shall remain in force while the dog remains in the City.

3-3-8. Penalties.

Except as otherwise stated herein, a violation of any provision of this chapter shall be a class B misdemeanor.